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12 JOSEPH PADGETT and
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA,
SAN JOSE DIVISION

JOSEPH PADGETT and DARLA
PADGETT,

Plaintiffs,

v.

CITY OF MONTE SERENO, a municipal
entity; BRIAN LOVENTHAL, an
individual; ERIN GARNER, an individual;
A. CURTIS WRIGHT, an individual;
MARK BRODSKY, an individual;
BARBARA NESBET, an individual;
DAVID BAXTER, an individual; LISA
RICE, an individual; and DOES 2 to 100,
inclusive,

Defendants.

CASE NO. C-04-03946 JW (RS)

**STIPULATION AND ORDER TO
CONTINUE HEARING DATE ON
MOTION FOR SUMMARY JUDGMENT
FILED BY CITY OF MONTE SERENO
DEFENDANTS**

Ctrm: 8

Judge: The Hon. James Ware

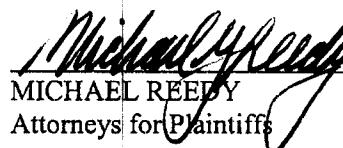
Defendants City of Monte Sereno, Brian Loventhal, Erin Garner, A. Curtis Wright, Mark Brodsky, Barbara Nesbet, and David Baxter (hereafter, "Monte Sereno Defendants") have filed a Motion for Summary Judgment, currently scheduled to be heard on February 13, 2006. The deadline for completion of discovery in this action recently was continued to March 13, 2006 by

1 order of the Court. Thereafter, counsel for Plaintiffs requested that counsel for Monte Sereno
2 Defendants continue the summary judgment hearing date until after completion of discovery. As
3 the original hearing date was premised upon a Scheduling Order that required discovery to be
4 completed by January 13, 2006, and as the deadline for discovery has been continued until
5 March 13, 2006,

7 THEREFORE, the parties, acting through their respective counsel, hereby stipulate to
8 continue the hearing date for the summary judgment motion filed by Monte Sereno Defendants
9 to April 3, 2006, and respectfully request that the Court issue this order in accordance with the
10 parties' stipulation.

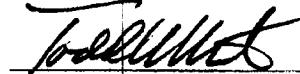
12 DATED: January 30, 2006

13 McMANIS FAULKNER & MORGAN

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15 MICHAEL REEDY
16 Attorneys for Plaintiffs

17 DATED: January 30, 2006

18 HOWARD ROME MARTIN & RIDLEY LLP

19 
20 TODD MASTER
21 Attorneys for Defendants

22 PURSUANT TO STIPULATION, IT IS ORDERED that the hearing date on Defendants'
23 Motion for Summary Judgment shall be continued to April 3, 2006.

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25 DATED: January 31, 2006

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27 HON. JAMES WARE